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Ivan S. Kavrukov, Esq. Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,724

Applicant(s)

TAKUBO, MASASHI

Examiner

Jamares Washington

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendments and response received on May 1, 2007 have been entered. Claims 1-12, 14, 15, 17, 18 and 20 are pending. Claims 13, 16, and 19 have been cancelled. New independent claim 20 being added. Applicant's newly amended claims, specification, and arguments are addressed hereinbelow.

Specification

Amendment of title is approved and entered into prosecution.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter, which was not described in

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the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to disclose the backup mechanism "checking contents of the first and second storing mechanisms and if one of the first and second storing mechanisms includes non-confidential contents that are not in the other of the first and second storing mechanisms, duplicating the non-confidential contents of the one...to the other". The disclosure states "received document data is placed in a first inaccessible storage and copied to a second publicly accessible storage". It appears applicant was not in possession of the claimed subject matter in the originally filed disclosure.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a

physical or logical relationship among data elements, designed to support specific data manipulation functions."

The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. *O'Reilly*, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

Claims 11, 14, and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 11, 14, and 17 Takubo defines a “program storage device readable by the computer system” embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory. (i.e., “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). The scope of the claimed invention is much broader than simply claiming a “computer readable medium” and will therefore encompass non-statutory subject matter.

Suggested claim language to be commensurate with Interim Guidelines: “A computer-readable medium embodying...”

Appropriate correction required in further correspondence.

Claims 13, 16, and 19 have been canceled thus previous rejection is moot.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 B1), and further in view of John Thorne et al (US 5958005).

Regarding claim 1, Ohhashi discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "...provided with a facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to store data and to be inaccessible through the local area network (Fig. 7 numeral 23 "Fourth memory". Inaccessibility is shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

a second storing mechanism configured to store data and to be accessible through the local area network (Fig. 7 numeral 20 "First memory". Accessibility shown through the

connection of the first memory to modules 15 “Email sending/receiving section and module 14 “Fax sending/receiving section”.);

a determining mechanism (“...specific document judging means” at column 3 line 63) configured to determine whether the received document data is confidential (“...for judging whether or not the document scanned by the image scanning section is a specific document” at column 3 line 64); and

Ohhashi fails to disclose a backup arranging mechanism configured to store received document data into the first storage mechanism and a copy of the received document data in the second storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. “In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a” at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 “The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions” at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document data into a primary storage and backing the data up to secondary storage into the apparatus and

memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Ohhashi fails to disclose a controlling mechanism configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second storing mechanism when the received document data is determined as confidential by the determining mechanism.

Thorne, in the same field of endeavor of managing security of electronic documents (“This invention relates in general to methods and systems for managing the security of electronic documents stored in an interactive information handling system, and more particularly relates to the controlling of the confidentiality of electronic mail communications over networks” at column 1 line 4) teaches a controlling mechanism (computer software implemented) configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second storing mechanism when the received document data is determined as confidential by the determining mechanism (“At 542 the system ascertains whether archiving has been enabled. If the response is negative archiving is disabled and the message archive icon and associated menu are deactivated. Archiving is inhibited” at column 10 line 21). The above apparatus can be configured to disable archiving or copying (shown in Fig. 3) when the confidential message flag is set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means, as taught by Thorne, for canceling or disabling archiving of confidential messages in the apparatus as disclosed by Ohhashi to “provide a method for

managing the retention of preselected data in a manner to effectuate the desired degree of security for designated information” (column 4 line 1, Thorne).

Regarding claim 4, the Ohhashi-Ofek-Thorne combination discloses a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 1, comprising:

communicating means for performing a facsimile communications operation (“...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request” at column 11 line 29);

first storing means inaccessible through the local area network for storing data (Fig. 7 numeral 23 “Fourth memory”. Inaccessibility is shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

second storing means accessible through the local area network for storing data (Fig. 7 numeral 20 “First memory”. Accessibility shown through the connection of the first memory to modules 15 “Email sending/receiving section and module 14 “Fax sending/receiving section”.);

backup arranging means for storing received document data into the first storing means and a copy of the received document data into the second storing means as rejected in claim 1 above;

determining means for determining whether the received document data is confidential (“...specific document judging means” at column 3 line 63) configured to determine whether the received document data is confidential (“...for judging whether or not the document scanned by the image scanning section is a specific document” at column 3 line 64); and

controlling means for causing the backup arranging means to cancel storing the copy of the received document data into the second storing means when the received document data is determined as confidential by the determining means as rejected in claim 1 above.

Regarding claim 7, the Ohhashi-Ofek-Thorne combination discloses the method as performed by the apparatus rejected in claim 1 above.

Regarding claim 11, the Ohhashi-Ofek-Thorne combination discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 7 above.

The Ohhashi-Ofek-Thorne combination fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 7.

However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor-software) implemented. It is well known in the image processing arts that a computer implemented method performed by an apparatus must contain a “program” residing on a “computer readable “data recording” medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 7, in the invention disclosed by the Ohhashi-Ofek-Thorne combination to make the apparatus operational in carrying out the above methods.

Regarding claim 12, the Ohhashi-Ofek-Thorne combination discloses a computer system (computer implemented), comprising:

- a processor (computer implemented processes disclosed); and
- a program storage device (as rejected in claim 11) readable by the computer system, tangibly embodying a program of instructions executable by the processor to perform the method rejected in claim 7 above.

6. Claims 2, 5, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in combination with Yuval Ofek et al (US 7107395 B1).

Regarding claim 2, Ohhashi discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "...provided with a facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

- a facsimile communications mechanism configured to perform a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive

via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request” at column 11 line 29);

a first storing mechanism configured to store data and to be inaccessible through the local area network (Fig. 7 numeral 23 “Fourth memory”. Inaccessibility shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

a second storing mechanism configured to store data and to be accessible through the local area network (Fig. 7 numeral 20 “First memory”. Accessibility shown through the connection of the first memory to modules 15 “Email sending/receiving section and module 14 “Fax sending/receiving section”.);

a determining mechanism (“...a specific image judging section” at column 3 line 63) configured to determine whether the received document data stored in the second storage mechanism (Fig. 7 numeral 20 “First memory”) is confidential upon a receipt of a data transmission request for transmitting the received document data stored in the second storage mechanism from an external terminal through the local area network (“...(ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network” column 4 line 35); and

a control mechanism (Fig. 7 numeral 16 “control section”) configured to refuse the data transmission request from the external terminal through the local area network when the received document data is determined as confidential by the determining mechanism (“...(iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step

(iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)” at column 4 line 38. “...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted” at column 4 line 43).

Ohhashi fails to disclose a backup arranging mechanism configured to store received document data into the first storage mechanism and a copy of the received document data in the second storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. “In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a” at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 “The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions” at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document data into a primary storage and backing the data up to secondary storage into the apparatus and memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Regarding claim 5, Ohhashi-Ofek discloses a facsimile apparatus (Fig. 8 numeral 1 “Image forming device”. “...provided with an facsimile mode” at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 “public line”) and a local area network (Fig. 8 numeral 6 “LAN”), comprising:

communication means for performing a facsimile communications operation (“...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request” at column 11 line 29);

first storing means inaccessible through the local area network for storing data (as rejected in claim 2 above);

second storing means accessible through the local area network for storing data (Fig. 7 numeral 20 “First memory”);

backup arranging means for storing received document data into the first storing means and a copy of the received document data into the second storing means (as rejected in claim 2 above);

determining means (“...a specific image judging section” at column 3 line 63) for determining whether the received document data stored in the second storing means (Fig. 7 numeral 20 “First memory”) is confidential upon a receipt of a data transmission request for transmitting the received document data stored in the second storing means from an external terminal through the local area network (“...(ii) judging whether or not the image data is specific

image data; (iii) receiving a request for transmission of the image data via a communications network” column 4 line 35); and

controlling means (Fig. 7 numeral 16 “control section”) for refusing the data transmission request from the external terminal through the local area network when the received document data is determined as confidential by the determining means (“...(iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)” at column 4 line 38. “...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted” at column 4 line 43).

Regarding claim 8, Ohhashi-Ofek discloses the method as performed by the apparatus as rejected in claim 2 above.

7. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek in combination with Shell S. Simpson et al (US 20040036907 A1).

Regarding claim 3, Ohhashi-Ofek teaches a facsimile apparatus (Fig. 8 numeral 2A) coupled to a telephone line network (Fig. 8 numeral 4 “public line”) and a local area network (Fig. 8 numeral 6 “LAN”), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation (“...the digital image forming device 1 according to the present

embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request” at column 11 line 29);

a first storing mechanism configured to store data and to be inaccessible through the local area network (as rejected in claim 2 above);

a second storing mechanism configured to store data and to be accessible through the local area network (as rejected in claim 2 above);

a backup arranging mechanism configured to store received document data into the first storing mechanism and a copy of the received document data in the second storing mechanism (as rejected in claim 2 above);

a determining mechanism (“...a specific image judging section” at column 3 line 63) configured to determine whether the received document data stored in the second storage mechanism (Fig. 7 numeral 20 “First memory”) is confidential upon a receipt of a data transmission request for transmitting the received document data stored in the second storage mechanism from a web browser through the local area network (“...(ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network” column 4 line 35. A communications network encompasses the internet and therefore encompasses internet web browsers.);

a controlling mechanism (Fig. 7 numeral 16 “control section”) configured to refuse the data transmission request from the web browser through the local area network when the received document data is determined as confidential by the determining mechanism (“...(iv)

transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)” at column 4 line 38. “...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted” at column 4 line 43).

Ohhashi-Ofek does not teach a web server mechanism configured to allow a web browser to show received document data.

However, Simpson et al teaches, in the same field of endeavor of controlling inbound facsimile transmissions (“The present invention relates to a system and methods for storing facsimile messages for later use” at paragraph [1], Simpson), a web server (“This is particularly powerful when using web applications (applications running on a server that exposes their user interface through web pages)” at paragraph [20], Simpson) configured to allow a web browser to show received document data (“In other instances, facsimile messages are sent via e-mail or are deposited in a web-based repository associated with a domain name” at paragraph [24]. “Facsimile messages stored by web-based repositories are usually stored as image files for facilitating viewing with a web-browser” at paragraph [24]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simpson where the images are deposited into a web server to allow viewing of documents from a web browser with the apparatus and method disclosed by Ohhashi-Ofek of secure facsimile document reception and transmission because the web browser has emerged as a universal messaging client and would appeal to a greater user base.

Regarding claim 6, Ohhashi-Ofek-Simpson discloses a facsimile apparatus (Fig. 8 numeral 1 “Image forming device”. “...provided with an facsimile mode” at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 “public line”) and a local area network (Fig. 8 numeral 6 “LAN”), comprising:

communicating means for performing a facsimile communications operation (“...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request” at column 11 line 29);

first storing means inaccessible through the local area network for storing data (as rejected in claim 2 above);

second storing means accessible through the local area network for storing data (Fig. 7 numeral 20 “First memory”);

backup arranging means for storing received document data into the first storing means and a copy of the received document data into the second storing means (as rejected in claim 2 above);

determining means (“...a specific image judging section” at column 3 line 63) for determining whether the received document data stored in the second storing means (Fig. 7 numeral 20 “First memory”) is confidential upon a receipt of a data transmission request for transmitting the received document data stored in the second storing means from a web browser

through the local area network (“... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network” column 4 line 35. A communications network encompasses the internet and therefore encompasses internet web browsers.); and

controlling means (Fig. 7 numeral 16 “control section”) for refusing the data transmission request from the web browser through the local area network when the received document data is determined as confidential by the determining means (“... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)” at column 4 line 38. “...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted” at column 4 line 43.)

Regarding claim 9, Ohhashi-Ofek discloses the method as performed by the apparatus as rejected in claim 3 above.

9. Claims 10, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek in combination with well-known principles in the art of image processing.

Regarding claim 10, Ohhashi-Ofek discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 9 above.

The Ohhashi-Ofek combination fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 9.

However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor-software) implemented. It is well known in the image processing arts that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 9, in the invention disclosed by the Ohhashi-Ofek combination to make the apparatus operational in carrying out the above methods.

Regarding claims 14 and 17, the Ohhashi-Ofek combination discloses the program storage device (computer-readable data recording medium) as rejected in claim 10, readable by a machine (computer implemented method), tangibly embodying a program (program residing...) of instructions executable by the machine to perform the method claimed and rejected in claims 8 and 9 respectively.

Regarding claim 15, the Ohhashi-Ofek combination discloses a computer system (Fig. 1 numeral 1) comprising:

a processor (Processor which carries out the processes described throughout the reference. (“...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6” at column 24 line 19, Ohhashi); and

the program storage device as rejected in claims 14.

Regarding claim 18, the Ohhashi-Ofek combination discloses a computer system (Fig. 1 numeral 1) comprising:

a processor (Processor which carries out the processes described throughout the reference. (Ohhashi); and

the program storage device as rejected in claim 17 above.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek-Thorne as rejected in claim 1 above in view of Stephen Larry McBride (US 6757698 B2)

Regarding claim 20, Ohhashi-Ofek-Thorne discloses the facsimile apparatus as rejected in claim 1.

Ohhashi-Ofek-Thorne fails to teach the backup mechanism checks contents of the first and second storing mechanism, and if one of the first and second storing mechanisms includes non-confidential contents that are not in the other of the first and second storing mechanism, said

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backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms.

McBride teaches, in the same field of endeavor of electronic data backup, teaches a backup mechanism checks contents of the first and second storing mechanism (“... a mirroring agent application running at each node periodically checks predetermined files and/or data to determine whether such files/data have changed. Upon the agent at the node finding that a file/data has changed, the agent commences to check with agents at other pre-determined nodes to see whether the file/data needs to be updated at the other nodes” at column 14 line 65), and if one of the first and second storing mechanisms includes non-confidential contents (which is already determined by the teachings of Thorne in claim 1 rejection above; only non-confidential data is configured to be copied or archived) that are not in the other of the first and second storing mechanism, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms (“... communicate with the B agent to determine if the B node (305) contains a version of the data different from that stored on the A node (306); if so, determine along with the B agent which version is more current; and assuming the A version is more current, send the A version to B, upon which B appropriately updates the B version of the file/data in storage (312) with the data received from node A (306)” at column 15 line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method as taught by McBride of checking the contents of a storage device with the contents of a backup device to synchronize the memory devices with the backup mechanism as taught by Thorne of the Ohhashi-Ofek-Thorne combination in which non-

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confidential data is backed up to a remote publicly accessible storage unit because it would keep the data contained in both storage locations synchronized and updated.

Response to Arguments

11. Applicant's arguments with respect to claims 1-12, 14, 15, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection. See rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jmares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Supervising Patent

July 2, 2007


JW